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Application denied as moot. The second revised Pre-Sentence Report at Doc. 36 removed footnote 3 at paragraph 65.

The Clerk of Court is respectfully directed to terminate the motion sequence pending at Doc. 35.

SO ORDERED.

A handwritten signature in black ink, appearing to read "Philip M. Halpern", written over a horizontal line.

Philip M. Halpern
United States District Judge

Dated: White Plains, New York
March 7, 2023

Via ECF

Honorable Philip M. Halpern
United States District Judge
The Hon. Charles L. Brieant Jr. Federal
300 Quarropas Street
White Plains, New York 10601

Re: United States v. Jabbar McLean, 21 Cr. 744 (PMH)

Dear Judge Halpern:

We are counsel for Mr. McLean in the above-referenced matter. We write to request that the Court direct the Probation Department make certain changes to the PSR as ordered by the Court at Mr. McLean's sentencing.

Mr. McLean was sentenced by Your Honor on February 2, 2023. At the sentencing, at the request of the defense, the Court ordered the deletion of footnote 3 of paragraph 65 of the Presentence Report ("PSR"). The Government did not object to the request. On February 13, 2023, the Probation Department issued a revised PSR [ECF No. 34] but failed to remove footnote 3. After receiving the revised PSR, I wrote to the Probation Department asking them to remove footnote 3 on February 13, 2023, and again on March 3, 2023. However, the Probation Department has ignored my requests and failed to do so.

Accordingly, we respectfully request that the Court direct the Probation Department to comply with the Court's directives at sentencing and revise the final PSR by removing footnote 3

Honorable Philip M. Halpern

March 6, 2023

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of paragraph 65. Thank you for your consideration.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Steven D. Feldman". The signature is fluid and cursive, with the first name "Steven" and last name "Feldman" being more legible than the middle initial "D".

Steven D. Feldman
Partner

cc: AUSA Steven Kochevar (via email)
U.S. Probation Officer Nichole Brown-Morin (via email)